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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,477

10/01/2003

Young-sig Kwon

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SUITE 700

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EXAMINER

NGUYEN, THAN VINH

ART UNIT

PAPER NUMBER

2187

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,477	<b>Applicant(s)</b> KWON, YOUNG-SIG	
	<b>Examiner</b> Than Nguyen	<b>Art Unit</b> 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/1/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/3/08 has been entered.

2. Claims 1,2,5-9,12-16,18-22 remain pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. Claim 1 recites the limitation "the 16 byte-SubQ value" in line 10. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 2 recites the limitation "the signal processing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 2 recites the limitation "the signal-processed data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 8 recites the limitation "the 16 byte-SubQ value" in line 12. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 2,5-7,9,12-16 are rejected for incorporating the error of the parent claim

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9. Claims 6,7,12,14,16,22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. As to claim 6, the phrase “the index value identifies one of a first track number of an optical disk a list track number of an optical disk” is run-on and vague. A comma [,] should be inserted after “first track number of an optical disk”.

11. As to claim 7,12,22 the phrase “**when the first block type of the second record data is a second block type**” is vague and indefinite. A first block type is a first block type and a second block type is a second block type. One type does not change to another type. Does Applicant mean to claim when the recorded data is of a second block type?

12. As to claim 14,16 the Examiner cannot find support for the term “bad-out region”. Does Applicant mean lead-out region? Correction and clarification is required.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1,2,5-9,12-16,21,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al (US 2003/0156338 A1).

As to claim 1,8,21:

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15. Kudo teaches a method and associated apparatus for recording record signals sequentially transmitted from a host on an optical recording medium, the method comprising:

receiving record data from the host and storing the data in a buffer if an environment data is set (receiving data in buffer and start command; 0096-0097; 0295);

building table of contents information (); wherein the building table of contents information includes: identifying the number of blocks if subq value exist among the record data stored in the buffer, interpret a subq value for each block; and building the information on the optical recording medium using an index value in the subq value of the block (identify Sub Q data and build TOC using Sub Q data; 0011, 0012, 0192, 0300, 0311); and

sequentially recording the data on the lead-in region, a program region, and a lead-out region of the optical recording medium (record to record medium; 0120, 0124, 0186, 0196-0198; 0210-214). Kudo teaches the Sub Q data being 96 bits, not 16 bytes. One of ordinary skills in the art would recognize that the size of the Sub Q data is a design choice that would vary depending on the specific application. In this case, the size of the Sub Q data depends on the size of data on the optical disk. Thus, it would be obvious, by Office Notice, to one of ordinary skills in the art to implement the Sub Q data being 16 bytes, or any specific size, to fulfill the data size requirement of a specific application.

As to claim 2,9:

16. Kudo teaches notifying the host that the recording has been completed (complete recording signal; 0316, 0329).

As to claim 5,13,15:

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17. Kudo does not specifically teach the index value being 8 bits. One of ordinary skills in the art would recognize that the size of the index of the Sub Q data is a design choice that would vary depending on the specific application. In this case, the size of the index depends on the size of data on the optical disk. Thus, it would be obvious to one of ordinary skills in the art to implement the index data being 8 bits, or any specific size, to fulfill the data size requirement of a specific application.

As to claim 6,14,16:

18. Kudo teaches data in the Sub Q identifying a first track number, last track number, or start address of the lead-out region (0328, 0330, 0333, 0364).

As to claim 7,12,22:

19. Kudo teaches identifying the number of blocks if sub code value exist among the record data stored in the buffer, interpret a Sub Q value for each block from the sub code; and building the information on the optical recording medium using an index value in the sub code value of the block (identify Sub Q data from sub code and build TOC using data; 0011, 0012, 0184-0192, 0300, 0311). Kudo does not teach the sub code being 96 bytes (Fig. 9, 10A, 10B). One of ordinary skills in the art would recognize that the size of the sub code data is a design choice that would vary depending on the specific application. In this case, the size of the sub code data depends on the size of data on the optical disk. Thus, it would be obvious, by Office Notice, to one of ordinary skills in the art to implement the sub code data being 96 bytes, or any specific size, to fulfill the data size requirement of a specific application.

***Allowable Subject Matter***

20. Claims 18-20 are allowed for reason indicated previously.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Than Nguyen/  
Primary Examiner, Art Unit 2187

Than Nguyen  
Primary Examiner  
Art Unit 2187